

PATENT  
Attorney Docket 612,404-408  
(formerly any docket 265/018)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John J. Carrino, et al. ) Group Art Unit: 1634  
Serial No.: 09/865,807 ) Examiner: J. Taylor  
Filed: May 25, 2001 )  
For: Multiplex Amplification And )  
Separation Of Nucleic Acid Sequences )  
Using Ligation-Dependent Strand )  
Displacement Amplification And )  
Bioelectronic Chip Technology )

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TERMINAL DISCLAIMER

Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, William Franzblau, am authorized to sign this Terminal Disclaimer on behalf of the Nanogen/Becton Dickinson Partnership. I certify that the Nanogen/Becton Dickinson Partnership owns the entire interest in the above-identified application and invention by virtue of an assignment from the inventors in U.S. Patent Application Serial No. 09/290,577, now United States Patent No. 6,238,868. The assignment from the inventors to the Nanogen/Becton Dickinson Partnership is recorded at Reel 9908, Frame 0773.

The Nanogen/Becton Dickinson Partnership hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the statutory expiration date of U.S. Patent No. 6,238,868. Moreover, the Nanogen/Becton Dickinson Partnership hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as

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the legal title to U.S. Patent No. 6,238,868, this agreement to run with any patent granted on the above-identified application and to be binding upon the Nanogen/Becton Dickinson Partnership, its successors, or assigns.

The Nanogen/Becton Dickinson Partnership does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,238,868, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: 11/5/02

By: 

Name: William Franzblau

Title: V.P. Legal Affairs and Secretary